

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

MAY -2 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

LARRY GENE GEORGESON,

Appellant.

2 CA-CR 2006-0372

DEPARTMENT A

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20043347

Honorable Frank Dawley, Judge Pro Tempore

AFFIRMED

Anne Elsberry

Tucson
Attorney for Appellant

H O W A R D, Presiding Judge.

¶1 Appellant Larry Gene Georgeson was charged by indictment with aggravated assault causing serious physical injury, an act of domestic violence and a class three felony. After a three-day trial, an eight-person jury found Georgeson not guilty of aggravated assault causing either serious physical injury or substantial, temporary injury but guilty of the lesser-

included offense of simple assault, a class one misdemeanor. The trial court sentenced him to 180 days in jail, 293 fewer than the 473 Georgeson had apparently already served.

¶2 Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating she has conscientiously reviewed the record and applicable law without finding any arguably meritorious issue to raise on appeal. She asks us to search the record for fundamental error pursuant to our duty under *Anders*. Georgeson has not filed a supplemental brief.

¶3 The evidence at trial established that Georgeson and the victim, who at the time had been dating for several months, went out together on a Saturday night in June 2004. Before the evening ended, they got into a heated argument that culminated in Georgeson's hitting the victim in the face, breaking her jaw, bloodying her mouth, and knocking out one of her teeth. Among the ten witnesses who testified at trial were two passersby who had seen the assault as it occurred.

¶4 We have reviewed the record in its entirety and have found no fundamental error. The conviction and sentence are, therefore, affirmed.

JOSEPH W. HOWARD, Presiding Judge

CONCURRING:

JOHN PELANDER, Chief Judge

GARYE L. VÁSQUEZ, Judge